H_Policy_SuspensionExplusion

SECTION 5- School Culture and Discipline Procedures

Kwiyagatu Community Academy will maintain a safe learning environment that is focused on academic excellence. Students are expected to have high standards of responsibility, constructive behavior, and a code of ethics that fosters personal and academic growth. These standards are the cornerstone of our positive school culture. The ultimate goal is for students to be well prepared for the next phase of their life and academic path.

Consistently living these core values is expected of all students for their benefit and the benefit of the entire school community. Students are expected to support their peers in adhering to the core values of the school. School authorities have the right and responsibility to assist in managing student conduct to create an orderly and safe learning environment. Conduct which disrupts learning or threatens to disrupt the operation of the school; interferes with the rights and privileges of students or other citizens; which endangers the health, safety or welfare of any person; or which damages property will not be tolerated.

Kwiyagatu Community Academy embraces an emphasis on repairing the harm done by inappropriate behavior through "restorative justice". The offender will be expected to take responsibility for his/her action(s) and to "repair" the harm they have done by apologizing, returning stolen money, property, or doing community service. Every effort will be made to work with behaviorally challenging students. Our Head of School and grade level teacher will work with students, and sometimes families, to determine the root cause and rectify detrimental behaviors.

The school's values and resulting behavioral expectations are in effect at school or on school grounds, at school sanctioned activities or events, while being transported by school approved vehicles, or at school functions/activities occurring off school property. Any violation of school rules, including cyberbullying, *during these times* will subject a student and/or conspirator to disciplinary measures and/or notification of law enforcement authorities, as needed.

Students, parents/guardians and staff are expected to respect others and support teaching and learning. Anyone engaging in offensive behavior may be subject to discipline including the possibility of suspension or expulsion proceedings.

Student Expectations

Compassion: Students, parents/guardians, and staff are expected to act with compassion for others. Students will demonstrate their understanding of, and empathy for an idea or a feeling by paraphrasing it accurately, building upon it, clarifying it, or giving an example of it. Student behavior that is unacceptable includes disrespecting the ideas of others, talking over others, cruelty, and ridicule.

Respect: Students are expected to respect our staff and their peers and support the teaching and learning expectations of the school. This includes how we talk and interact with one another and how we respect each other's property and personal space. Students communicate this respect through their appropriate actions, words, tone of voice tone, and body language. Student behavior that is unacceptable includes: offensive language and gestures, talking back or disrespecting a staff member, ignoring or refusing to complete a staff request, or disrupting a class or another student's learning.

Threatening, slandering, causing physical harm, bullying of peers, sexually harassing, or stealing are unacceptable behaviors and could be subject to suspension or an expulsion hearing.

Integrity: All members of our community are expected to conduct themselves with honesty, reliability, and caring for themselves and others. Students, staff and parents/guardians are expected to take responsibility for their behavior, actions, and commitments. Students assume the responsibility of abiding by all school rules. Students must be on time to school, all classes and other school activities. When a student takes an inappropriate action or makes a poor choice, that student is expected to take full responsibility for his/her behavior. Students must never lie or give false information to a faculty or staff member. They must commit to abide by the Academic Honor Code with all of their academic work. Being honest in all their actions and admitting to wrongdoing is essential to integrity.

Effort: We recognize that success is connected to action and effort. We expect all members of the school community to recognize the need to act when action is called for; to step forward in response to a situation or problem; and to take responsible risks as the situation may call for. All members of our community are expected to engage in analytical thinking through investigating problems or situations, and then developing strategies to solve them. Students and staff will be expected to collect evidence to indicate their problem-solving strategy is working, and if one strategy doesn't work, they will know how to re-strategize and try another. This methodology will be a functional part of our discipline approach.

Students who fail to live these core values by exhibiting one or more of the unacceptable behaviors listed above will be subject to the discipline process and appropriate consequences outlined in this handbook.

Public Displays of Affection

Public displays of affection while at school, on school grounds, or at school-sponsored activities are not acceptable. Inappropriate touching with hands or other parts of the body is not permitted.

Student Aggression (Bullying)

Kwiyagatu Community Academy is committed to promoting a safe learning environment by understanding the causes of bullying behavior and reducing the incidence of student aggression overall. It is well documented that students who feel safe learn more easily, quickly and freely. Bullying is defined by the State of Colorado as "ANY WRITTEN OR VERBAL EXPRESSION, OR PHYSICAL OR ELECTRONIC ACT OR GESTURE, OR A PATTERN THEREOF, THAT IS INTENDED TO COERCE, INTIMIDATE, OR CAUSE ANY PHYSICAL, MENTAL, OR EMOTIONAL HARM TO ANY STUDENT. BULLYING IS PROHIBITED AGAINST ANY STUDENT FOR ANY REASON, INCLUDING BUT NOT LIMITED TO ANY SUCH BEHAVIOR THAT IS DIRECTED TOWARD A STUDENT ON THE BASIS OF HIS OR HER ACADEMIC PERFORMANCE; OR AGAINST WHOM FEDERAL AND STATE LAWS PROHIBIT DISCRIMINATION UPON ANY OF THE BASES DESCRIBED IN SECTION 22-32-109. (1) (II) (I). THIS DEFINITION IS NOT INTENDED TO INFRINGE UPON ANY RIGHT GUARANTEED TO ANY PERSON BY THE FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION OR TO PREVENT THE EXPRESSION OF ANY RELIGIOUS, POLITICAL, OR PHILOSOPHICAL VIEWS."

KCA believes that bullying can also be subtle in nature. We further define bullying as unwelcome, harmful behavior towards another person. This behavior must be purposefully annoying, alarming,

bothersome, and/or physically or emotionally injurious. Bullying can take the form of, but is not limited to, verbal and/or written remarks, gestures, innuendos, gossip, exclusion, symbols, or physical contact. Any student who believes that he/she has been subject to bullying, or who believes that they have witnessed bullying should immediately inform the person engaging in the offensive behavior that the behavior is un-welcomed and must stop. He/she should inform the school administration of the incident immediately. Students who violate this policy will be subject to disciplinary consequences.

Harassment

KCA maintains that it is critical that all members of our community respect each other's rights, individuality and differences. Courtesy, tolerance and mutual respect provide the platform for sharing, learning, innovation and personal development. Accordingly, it is the policy of KCA to prohibit sexual harassment or harassment of any kind, including harassment based on race, creed, color, religion, sexual orientation, transgender status, age, national origin, ancestry, disability, need for special education services, marital status, or public assistance. The HOS will serve as the Title IX coordinator. All Title IX complaints are to be emailed to Head of School.

Sexual harassment refers to behavior that, among other things, is not welcome, is personally offensive, or undermines or weakens morale. Sexual harassment includes any unwelcome verbal, physical, visual or electronic conduct that has the purpose and/or effect of creating or contributing to an intimidating, hostile or offensive environment or that unreasonably interferes with the recipient's educational progress or personal security.

Any student, parent or guardian who believes that he/she has been subject to harassment, or who believes that they have witnessed harassment should inform the school administration of the incident immediately. The party receiving the complaint is expected to acknowledge receipt of such complaint within 24 hours and cause to commence an immediate, thorough investigation of the allegations. Complaints will be kept confidential to the maximum extent as possible. The investigation will be conducted within a mutually agreeable time frame to both the student/parent/guardian making the complaint and the party to whom the complaint was reported, at all times maintaining the intent to be concluded within the shortest time frame possible, but allowing enough time for thorough investigation into the allegations made. KCA is committed to safe and secure resolution process that respects the rights of all parties to a complaint. All parties involved in the complaint have the right to a fair and confidential process.

KCA prohibits any form of retaliation against any community member for filing a bona fide complaint under this policy, or for assisting in the complaint investigation.

If, at the completion of an investigation, KCA determines that any member of the KCA community is guilty of discriminatory or harassing behavior, appropriate action will be taken against the offending party and may result in immediate suspension or expulsion of a student.

KCA prohibits intentional provision of false information regarding any complaint. Making a false accusation about a staff member that is intended to harm their professional reputation may result in legal consequences. Also, because a false report of harassment can have damaging effects on the reputations of innocent individuals, false accusations are subject to the same form of disciplinary action.

Student Searches

We reserve the right to examine and/or search a student's person and/or personal property, including but not limited to backpacks, cell phones, and cubbies. This search may be made at the discretion of the school administration if a reasonable suspicion arises that items considered illegal, unauthorized, disruptive, or a general nuisance to the educational process are being kept at school. School administration will detain a student if there is a reasonable suspicion that a student has drugs, alcohol, narcotics, weapons, explosives, or other dangerous contraband in his possession, and if such possession constitutes a clear and imminent danger to the safety and welfare of the student, other persons, or school property. Furthermore, school administration will notify parents/guardians and the appropriate law enforcement agency of illegal possession of such materials or illegal activity.

Parents and students are notified that the school has security cameras in place and these may be reviewed by school administration in the event of any incidents.

Student Discipline, Suspension or Expulsion

The purpose of disciplinary action at KCA is to ensure that individual students, their parents/guardians, and the community stay focused on growth and learning while fostering an environment of tolerance and respect. Inappropriate student behavior not only impacts the individual, but also exacts a cost on the larger school community. Students must understand that they are a part of a larger whole and are accountable to their peers and to the values and expectations of the community. Prompt resolution of the problem or issues is expected from the student and family. At any time, it is reported that a law has been broken, the school will notify law enforcement.

Authority to Impose Suspensions and Expulsions

The Head of School or his/her designee has the authority to impose suspensions and expulsions for behavior on or off school property. The Head of School or his/her designee will conduct an investigation of the circumstances presented, including consulting the student and affected parties.
Parents are not required to be present but attempts will be made to contact parents as soon as possible. Law enforcement will be notified when necessary.

Suspension

Upon the occurrence of any matter that is subject to suspension as a penalty, the administration shall conduct an investigation and an informal hearing, unless an emergency prevents this, including an interview of the student, and after such hearing, has the discretion and may impose a suspension directly if he/she determines it is appropriate in accordance with CRS 22-33-105 and 106. If the administration determines that a student is to be suspended, the administration shall provide written or verbal notice to the student's parents and/or guardians of his/her determination, including reasons for the suspension and the time period for the suspension, and the time and place for the parent, guardian, or legal custodian to meet with the suspending authority to review the suspension. The suspended student shall be provided an opportunity to make up school work during the period of suspension for full or partial academic credit to the extent possible. The student and his/her parents must meet with the administration prior to returning to school. or in the discretion of the administration, the administration agreeing to hear an appeal of the suspension.

Right to Appeal Suspension

Student or parent can appeal suspension the previous described the grievance procedures.

Expulsion

If the administration determines that consideration of expulsion is warranted, the administration shall impose a suspension pending an expulsion hearing, but not to exceed the number of days provided by C.R.S. 22-33-105. The administration shall provide written notice to the student's parents/guardians of the reasons for suspension and explain the expulsion hearing process and the date of such expulsion hearing.

The administration will hold an expulsion hearing in which the Head of School shall serve as the hearing officer. The student shall have the right to legal representation and the right to present evidence at the expulsion hearing. The Head of School will consider evidence and/or testimony as appropriate and will render a decision that shall be in the best interests of the student and the school within five days of the hearing. If the Head of School determines that a student is to be expelled for a period not to exceed one year, the Head of School shall inform the student's parents and/or guardians of his/her determination in writing, including the reasons for expulsion.

The administration shall immediately notify the Board President of the school of an expulsion and shall report on each case of expulsion at the next meeting of the school's board of directors, briefly describing the circumstances and the reasons for the executive officer's action.

Right to Appeal Expulsion

In accordance with C.R.S. 22-33-105, the parents and/or guardians (or, if at least 18 years of age, the student) shall have ten (10) days from the Head of School's written expulsion determination to submit a written request of appeal to the Kwiyagatu Community Academy's Board of Directors after which time the decision to grant or deny the appeal shall be at the discretion of the Board of Directors. In response to the written request for an appeal, the president of the board shall convene an executive session of the Board of Directors. A hearing on the appeal shall be convened within ten (10) days of receipt of a timely written request for an appeal. At the hearing on the appeal, the student shall have the right to counsel and the appeal shall consist of a review of the facts that were presented and that were determined at the hearing conducted by the executive officer or by a designee acting as a hearing officer, arguments relating to the decision, and questions of clarification from the board of directors. The decision of the board of directors on appeal shall be final.

Discipline Plan

The following are corrective steps, or disciplinary actions of escalating levels of punishment, for serious or repeat offenses by students. At the administration's discretion, each step or action may include, but is not limited to:

- A verbal warning to the student;
- Verbal or written (email, phone call, or face to face) parent/guardian notification;
- A parent/guardian, student, and administration/Counselor/Teacher Leader conference;
- A written contract between the student and the school to improve behavior or performance;

- Suspension;
- Expulsion

Suspension

The following is a list of, but is not limited to, offenses that shall be grounds for suspension:

- Continued willful disobedience, open and persistent defiance of proper authority;
- Willful destruction, defacing, or attempting to cause damage or vandalism of school property or private property;
- Behavior on or off school property that is detrimental to the welfare of safety of other pupils or of school personnel including behavior that creates a threat of physical harm to the child or to other children;
- Committing an obscene act including those motivated by bias, prejudice, or sexually based;
- Engaging in habitual profanity or vulgarity;
- Engaging in, possessing, or distributing drugs, alcohol, or vaping devices or supplies;
- Engaging in sexual harassment or other harassment;
- Engaging in verbal abuse including, but not limited to:
    - Arguing with a staff member;
    - Ethnocentric/racial slurs or display of symbols associated with hatred;
    - Derogatory or vulgar language; or
    - Sexually explicit or sexually derogatory language or images.
- Violating the Code of Academic Integrity by plagiarizing or other forms of cheating on assigned school work;
- Violating school's Internet and Electronic Mail Policy; or
- Violating classroom norms

Possible Exceptions are:

1. Cases of reasonable self-defense
2. Proof that the discipline issue was a manifestation of a disability, if a student who creates the threat is a child with a disability as defined by the state of Colorado C.R.S 22-20-103 (5)(a):

a. Long term physical impairment or illness
b. Significant limited intellectual capacity
c. Significant identifiable emotional disorder
d. Specific learning disability
e. Speech or language impairment

Alternatives to Suspension

- in-school suspension
- school service (for example, assisting custodial staff with after school clean-up, lunch clean-up, etc)
- mini course (substance abuse etc.)
- parent supervision

- counseling
- community service
- behavior monitoring
- restitution
- problem solving or behavior contract
- alternative programming
- loss of privileges (like lunch, recess, social time, etc)
- time out
- detention (before or after school)
- mentoring (with a teacher, counselor, or other staff member before or after school)
- behavioral contracts
- referral to our Behavioral Health Specialist

Expulsion

THE FOLLOWING OFFENSES REPRESENT POSSIBLE GROUNDS FOR EXPULSION

1. Carrying, bringing, using or possessing a deadly weapon without authorization of the school or the authorizer. A deadly weapon includes, but is not limited to, a loaded or unloaded firearm, a knife, a bludgeon or any other weapon/instrument which, in the manner in which it is used or intended to be used, is capable of producing death or serious bodily injury.
2. The selling of, including the exchange, distribution or gift of, drugs or controlled substances, as defined by state law, including anabolic steroids and prescription drugs.
3. The commission of an act that, if committed by an adult, would be robbery or assault as defined by law.
4. Declaration as a habitually disruptive student, defined as a student who caused a disruption anywhere during school more than three times throughout one school year due to willful and overt behavior by the student, requiring the attention of school personnel to deal with the disruption.

Expulsion related to Students with Disabilities

If the child who creates the threat is a child with a disability pursuant to section 22- 20-103 (5), the child may not be expelled if the actions creating the threat are a manifestation of the child's disability. However, the child shall be removed from the classroom to an appropriate alternative setting within the district in which the child is enrolled for a length of time that is consistent with federal law, during which time the school in which the student is enrolled shall give priority to and arrange within ten days for a reexamination of the child's individualized education program to amend his or her program as necessary to ensure that the needs of the child are addressed in a more appropriate manner or setting that is less disruptive to other students and is in accordance with the provisions of article 20 of this title. Nothing in this paragraph (c) shall be construed to limit a school district's authority to suspend a child with a disability for a length of time that is consistent with federal law.

Habitually Disruptive Students

Expulsion may be recommended for a student that has been declared “habitually disruptive.” Habitually disruptive is defined as, “a child what has been suspended 3 times during the course of the school year for causing a material and substantial disruption to the learning environment, on school grounds, in school vehicles, or at school activities or events, because of behavior that was initiated,

willful, and overt on the part of the child." The student and the parent/guardian shall have been notified of each suspension counted toward declaring the student as habitually disruptive and the student and parent, legal guardian, or legal custodian shall have been notified in writing and by telephone or other means at the home or the place of employment of the parent or legal guardian of the definition of "habitually disruptive student".

Disruptive behavior by a student identified as a student with disabilities, as defined by applicable law, will be managed in accordance with the student's individual education plan (IEP). Students with disabilities will be subject to recommendation for expulsion as a habitually disruptive student only if the student's special education team has made determination that the disruptive behavior is not a manifestation of the student's disability.